

Testimony of Special Education Equity for Kids in Connecticut (SEEK)
To Committee on Education
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Presented by Attorney Andrew Feinstein

Chairman McCrory, Chairman Currey, Ranking Members Berthel and McCarty, members of the Education Committee,

My name is Andrew Feinstein and I am the Legislative Chair of Special Education Equity for Kids of Connecticut (SEEK). SEEK is an organization of parents, professionals, advocates and attorneys working to support the needs of students with disabilities in the state. My colleagues John Flanders and Terry Bedard will also be testifying on specific bills today. Mr. Flanders will focus on legislation requiring CSDE to hire staff to enforce the requirements of the IDEA. Ms. Bedard will focus on the science of reading and the need for civics education. I will list all of SEEK's concerns but will focus on the JJPOC recommendations and on school resource officers.

SEEK has comments on five bills in front of you today.

SB 1093 – The current law (C.G.S. §10-233c(g)) authorizing the out of school suspension of a child in Kindergarten through Grade 2 for conduct of a “violent or sexual nature” makes no sense from a developmental or educational perspective. The ban on exclusionary discipline of very young children should be complete, except as required by federal law. I was an active member of the work group created by the Legislature in section 8 of PA 21-174 to study the effects of and possible alternatives to suspensions and expulsions of students in any grade. After numerous meetings it became abundantly clear that eliminating the violent or sexual nature exception to the ban on expulsion from school was not politically feasible. So, we came up with the plan set forth in SB 1093. It tells SDE, with the involvement of an advisory team, to define the ban very narrowly. The real issue is that we need safe, therapeutic spaces in schools to provide treatment, education, and support for children and youth who engage in conduct serious enough to warrant exclusion from the general education environment. We know that throwing an alienated kid out of school just exacerbates that student's sense of alienation. We pay the price for that, as a society, for years to come. We need to stop the use of exclusion from school as a form of punishment. We must see serious misbehavior as both a call for help and as an enormous opportunity to intervene and interrupt an individual's path towards criminality and dependence on society. This is an issue of particular importance to SEEK because students with disabilities, as well as students of color, are disproportionately the victims of exclusionary discipline. HB 1093 is a small step in the right direction. We wish it were larger. Still, in our view, it is better to take the small step than to stand still.

Still, another extremely important issue has emerged. That is that schools throughout the state routinely call parents to pick up their kids when they are exhibiting troubling behavior. Removals of more than 90 minutes should be, but rarely are, documented as out-of-school suspensions. Often these calls contain explicit threats, i.e. if you do not pick up your child, we will send him/her to the emergency room. This widespread practice is a clear evasion of the

procedural requirements surrounding suspensions and expulsions, including the need for manifestation determinations. We need to act to stop this practice.

SB 1093 also contains a new limitation on class size. This provision is based on the belief that students with close links to adults in the schoolhouse will exhibit better behavior. As a general proposition, large classes are less well-regulated than small classes. This provision will have little effect on the wealthy suburban towns but will have a major impact on our underfunded large cities. Indeed, limiting class sizes will require substantially increased funding for Connecticut's cities. It will certainly require the enactment of HB 5003.

SB 1094 – Last session this Legislature fully embraced the science of reading and directed SDE to ensure that reading programs in schools were based on structured literacy programs. In compliance with the legislative mandate, SDE designated six specific reading curricula and directed each district to pick one. Numerous districts rebelled and demanded waivers, claiming their own reading programs worked well. The experiences of SEEK members do not support that contention. Several districts continue to use a whole language approach in which the child is given pictorial clues to help them figure out the meaning of the text. Some students show very good comprehension scores, without being able to decode words, to make sound-symbol correlations, to extrapolate meaning from common roots. HB 1094 represents a reversal of our commitment to the science of reading. Further, the Individuals with Disabilities Education Act mandates individualization for students with disabilities. It is a recognition that one size does not fit all. The question is what works for the student in question. So, without regard to the reading curriculum used in the district, a student with an IEP needs a reading program in which that student has the opportunity to make substantial progress. The evidence is clear that a program of structured literacy is far more effective in most cases.

SB 1095 – The evidence is clear that schools with School Resource Officers have higher levels of school-based arrests, higher levels of exclusionary discipline, and higher levels of misbehavior than do schools without. SEEK does not think that armed, uniformed police officers have any place in the school environment. That said, SROs are here to stay. In considering this legislation we ask that the following matters be made clear. First, school security officers have no role within the schoolhouse. They are to protect the school from outside attack. Their only role within the school building is to respond to a severe threats to physical safety of students or school staff within the building. SROs should not be involved in regular school discipline and behavior issues. SROs should only become involved where there is the risk of serious injury to individuals, serious property damage, the presence of weapons, or the presence of illegal drugs. Whenever an SRO becomes involved, a school-based mental health professional also needs to be present. SROs should not have a firearm present and visible on their bodies while in a school. The MOU should spell out that the specific role of the SRO is to protect the school community from an outside threat. An SRO should be an active, certified member of a police force, no one else. All SROs need to be trained initially and repeatedly in disabilities, the manifestation of those disabilities, restorative practices, de-escalation, and the requirements of the IDEA and section 504 of the Rehabilitation Act. SROs should also be trained in developing supportive relationships with students and understand the relationship

between behavior and disability. SROs should be selected, based on psychological screening, to be accessible, nurturing, and non-reactive. The use of an SRO must be created through a publicly available Memorandum of Understanding between the school superintendent and the local police department. The SRO is under the supervision and control of the building administrator. The MOU is a public document which needs to be posted on the school district website. With these additions, we can enhance the positive contributions an SRO can make to the school community while minimizing the serious harm that they can do.

HB 6758 -- The federal Individuals with Disabilities Education Act (IDEA) requires Connecticut to provide a free appropriate public education for students with disabilities and further requires the State to enforce the law and ensure that each local school district meets its legal obligation. To fulfill this obligation, the state gets a substantial sum of federal funds. Sadly, SDE does little to meet Connecticut's responsibility to the federal government. Almost all IDEA enforcement occurs when parents challenge school districts through the available dispute resolution processes. This results in a widened equity gap as parents with the resources to do so can fund private actions, while parents of limited means cannot. SDE receives complaints, but when SDE makes a determination on a complaint, the result is applicable only to the complainant and the school district. To live up to its promise, SDE should be auditing, investigating, doing site visits, reviewing random IEPs, interviewing providers and parents, and ensuring that complaint results are publicized and applied to all districts. Unfortunately, SDE lacks both the staff and the will to do so. Notably, SDE's lack of staff is due in part to actions of the Office of Management and Budget which has denied SDE the authority to create staff positions authorized by the Legislature and has slow walked the merit selection process for those positions that exist. SEEK asks this Committee to assert itself and demand that SDE is staffed to do the job it is legally obligated to perform. HB 6758 adds five staff evaluators to perform this task. It is outstanding legislation. It needs to be funded and OMB needs to be compelled to allow SDE to fill these positions promptly.

HB 6760 – Students with disabilities are too often the target of bullying. Because some students with disabilities have separate classes, they are treated as the Other, different from and inferior to neurotypical students. We need to address this issue head-on. HB 6760 is an excellent vehicle to confront this issue. The curriculum or educational interventions we use should promote diversity, equity and inclusion, deter hate speech and confront bias, teach techniques of de-escalation and peaceful conflict resolution, and teach the skills of respect for opposing views, compromise, and collaboration to achieve a goal. The fundamental purpose of public education is to create the citizens of tomorrow. We need to be able to talk to people with whom we disagree. We need to respect each other. Further, because students with disabilities are so often the victims of bias, a representative of the disability community should be on the task force created in this bill. Civics education should not be limited to learning about the balance of power and the make-up of the Congress. It should be focused on building the skills in each student to argue one own's position, to listen with respect to the views of another, and to learn how to collaborate and cooperate to reach a common goal.

We thank you for the opportunity to testify. I am happy to answer any questions and SEEK wants to continue to work with this Committee.